

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

In re: Surya M. Patel

Case No. 14-30772

Debtor

Chapter 7

JUDGE LAWRENCE S. WALTER

OBJECTION TO PROOF OF CLAIM

Now comes the Debtor, Surya M. Patel, by and through counsel, and hereby objects to the Proof of Claim Number Six (Claim #6) filed on July 24, 2014 by Ohio Department of Taxation, in the amount of \$41,304.88 for the following reasons:

1. The Debtor informally dissolved SNV Hospitality LLC in 2011 and had no business income for tax years 2012 and 2013.
2. Ohio Department of Taxation's exhibit claims a number of priority debts for Sales Tax assessments and Income Tax Assessments for tax years 2012 and 2013, when in fact the business was not in operation.
3. From that exhibit, Debtor avers that assessments numbered 1, 5, 13 and 15-25 are not authentic taxable obligations of the Debtor and as such should not be counted as part of the claim.

WHEREFORE, the Debtors respectfully request that the Court disallow the Proof of Claim Number Six (Court Claim #6) as filed by Ohio Dept. of Taxation.

Respectfully submitted,

COX, KELLER & LUSARDI

/S/ Brian E. Lusardi
BRIAN E. LUSARDI, 0080294
Attorney for Debtor
85 West Main Street
Xenia, OH 45385
Telephone: (937) 372-6921
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NOTICE OF OBJECTION TO CLAIM

Debtor has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to reduce, modify or eliminate your claim, then on or before **thirty (30) days from the date set forth in the certificate of service for the objection to claim**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to **Clerk, US Bankruptcy Court, 120 West Third Street, Dayton, OH 45402** OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You **must** also send a copy of your response either by 1) the Court's ECF System or by 2) regular U.S. Mail to:

Debtor: Surya Patel, 1119 Roger Scott Drive, Bellbrook, OH 45305
Debtor's Attorney: Brian E. Lusardi, 85 West Main Street, Xenia, OH 45385
Any other interested party.

If you or your attorney do not take these steps, the Court **may** decide that you do not oppose the relief sought in the motion/objection and may either enter an order granting the relief **without** further hearing or notice.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document has been sent to the Office of the U.S. Trustee and the Chapter 7 Trustee at the addresses listed below, via email and/or Regular U.S. Mail, this 28th of July, 2014.

Served Electronically:

Office of the U.S. Trustee, Donald F. Harker, III, Chapter 7 Trustee

Served by Mail:

Rebecca L. Daum, c/o Ohio Dept. of Taxation, P.O. Box 530, Columbus, OH 43216
Surya Patel, 1119 Roger Scott Drive, Bellbrook, OH 45305

/S/ Brian E. Lusardi
BRIAN E. LUSARDI
ATTORNEY FOR DEBTOR

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